

FILED

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

OCT 02 2014

MATTHEW J. DYKMAN *lmn*
CLERK

United States of America)

v.)

Bentley Street)

Case No. *14 mj 3303*_____
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 11/4/13 - 1/20/14 in the county of Bernalillo in the

District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2422(b)	Coercion and enticement of a minor.
18 U.S.C. § 1470	Transfer of obscene material to minors.
18 U.S.C. § 2251(a) and (e)	Sexual exploitation of children.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Ross Zuercher, Special Agent - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/02/2014City and state: Albuquerque, New Mexico*Judge's signature*KAREN B. MOLZEN
U.S. MAGISTRATE JUDGE*Printed name and title*

AFFIDAVIT

Your Affiant, Ross Zuercher, having been duly sworn, does hereby depose and say:

Introduction

1. I have been a Special Agent (SA) of the Federal Bureau of Investigation (FBI), United States Department of Justice, since August 2012. As such, I am a "federal law enforcement officer" within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request arrest warrants. I am currently assigned to the FBI's Albuquerque Violent Crime Program, as such, I am authorized to investigate crimes against children. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers of the FBI and Bernalillo County Sheriff's Office. Because this affidavit is submitted for the limited purpose of securing an arrest warrant, your Affiant has not included each and every fact known to me concerning this investigation. Your Affiant has set forth only those facts that your Affiant believes are necessary to establish that probable cause to support a criminal complaint against Bentley Streett in violation of Title 18 U.S.C. §§ 2422(b), 1470, 2251(a) and (e).

Relevant Statutes

2. This investigation concerns alleged violations of 18 U.S.C. §§ 2422(b), 1470, and 2251(a) and (e).
 - a. 18 U.S.C. §2422(b) makes it a federal crime for whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.
 - b. 18 U.S.C. § 1470 makes it a federal crime for whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years.
 - c. 18 U.S.C. § 2251(a) makes it a federal crime for any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, if such person knows

or has reason to know that such visual depiction will be transported or transmitted using any means or facility of interstate or foreign commerce or mailed, if that visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed.

Details of the Investigation

3. On September 18, 2014, the Federal Bureau of Investigation (FBI) received a report from the Bernalillo County Sheriff's Office (BCSO) regarding Bentley Streett (STREETT). According to the report, STREETT had knowingly been in online contact with several girls under the age of 18, with the intent to engage in sexual activity.
4. On October 31, 2013, the National Center for Missing and Exploited Children received an online tip from a confidential informant that STREETT solicited a nude photograph of a 15 year old girl (Jane Doe 1) online. The tip was forwarded to the New Mexico Attorney General's Internet Crimes Against Children task force and a subpoena was issued for the T-Mobile account, 505-974-9704, which was found to be registered to STREETT. A search warrant was executed on the account. The search warrant revealed that there were 136 text messages between STREETT and Jane Doe 1. An interview was conducted with Jane Doe 1, who confirmed that she did know STREETT and had met him on Twitter.com. They were friends for several months and STREETT asked for Jane Doe 1 to send nude photographs of her to him two or three times. Jane Doe 1 said she never sent any photographs.
5. A warrant was written and executed on February 25, 2014 for STREETT'S address, 4620 Plume Road NW, Albuquerque, New Mexico. STREETT was interviewed by BCSO. During the interview, STREETT confirmed that he meets girls online using his Twitter.com account. STREETT said that he may have asked for nude photographs from girls he knew to be under the age of 18. STREETT said that there may have been nude photographs on his Nokia cellular telephone using the aforementioned telephone number, and that he did not believe the nude photographs were child pornography. The Nokia cellular telephone seized was a Nokia Lumia 920, which was manufactured in China, and as such traveled in interstate commerce. STREETT said that he had traveled out of state to meet girls he talked with online before. STREETT'S cellular telephone and computers were seized and forensically examined.
6. During the forensic exam, several contacts of investigative value were stored in STREETT'S cellular telephone. One of the contacts that STREETT sent text messages to was listed as, "xxx 14 El Paso," with the assigned telephone number 915-799-25xx. (contact information redacted to protect identity of the minor who will be

subsequently referred to as, "Jane Doe 2"). The conversations started on November 4, 2013 and continued until January 29, 2014. Special Agent (SA) Martha Terrazas of the FBI El Paso division interviewed Jane Doe 2. SA Terrazas confirmed Jane Doe 2's year of birth as 1998. Jane Doe 2 confirmed that she was using the cellular telephone with the assigned number of 915-799-25xx. SA Terrazas also confirmed that Jane Doe 2 had been in contact with STREETT and sent messages to his cellular telephone with the assigned number 505-974-9704.

Violations of 18 U.S.C. §§ 2422(b) and 2251(a) and (e)

7. On November 4, 2013, STREETT asked Jane Doe 2 via text message for naked photographs of herself. STREETT knew at the time that Jane Doe 2 was 14 years old. When Jane Doe 2 said to STREETT in a text, "Damn! I need to do what you're doing ☺ ☺," STREETT replied, "Asking 14 year old girls for Nekky pics?...Awe I honestly don't see you doing THAT, but maybe as a 14 year old girl, you might have better luck at scoring nekky pics than me!" During the conversation, STREETT also said to Jane Doe 2 the following:

So is the reason you won't send a nude because: A) You are worried it will get out on the internet, B) you are just scared to take a pic, C) You are afraid I will MB8 [masturbate] looking at them and get pleasure from them? Cuz babe, A will NEVER happen, C would ABSOLUTELY happen if you sent them, and B I would understand, I was very nervous the first time I sent one just in July! That's my first time ever sending one believe it or not! I just wanna understand how you are mature beyond your years in EVERYTHING else, but so shy? When it come to a few pics?

Jane Doe 2 did not oblige STREETT. STREETT then asked Jane Doe 2 to do the following:

Next time you MB8, [masturbate] and you are all done and messy, take a pic of like 2 fingers with sweet sticky YOU on them?? Just your fingers tho, not her...unless you change your mind in that Instant, but I have a good imagination, and that would be an amazing thing of you to share with me!? If you would??

Jane Doe 2 did not oblige STREETT.

8. On November 9, 2013, Jane Doe 2 went shopping for basketball shoes. STREETT asked, "Can you take a picture of you wearing them??? Erm, like ONLY them?!" Jane Doe 2 replied, "No, you wish!" STREETT responded, "I do baby cakes, I really do! The sad thing is I can already see the perfect pose in my crazy horny lil head already!" Jane Doe 2 asked STREETT about how she would pose in the photograph. STREETT said:

You would be totes nekky with your shoes on sitting on the floor in front of the mirror with the bottoms of your shoes against the glass and your knees bent!

Everything would be kinda visible with sneaky sexXxy lil you peeking one eye out from behind the phone as you took the picture! Haha! That's how I would see you showin off those new shoes!

9. Later that day, STREETT again asked Jane Doe 2 to send a photograph of her fingers after she masturbated. STREETT sent Jane Doe 2 a photograph of how he wanted the photograph to look. The photograph depicted a female who had digitally penetrated herself and photographed her fingers after the act with her legs in the background. At this point in the investigation, your Affiant was unable to determine the age of the subject in the picture. STREETT then said, "This is like the pic I was talking about... Shows no parts, but says volumes!"

Violations of 18 U.S.C. § 1470

10. On November 30, 2013, STREETT sent Jane Doe 2 a photograph depicting a close-up of two fingers spreading a vagina. Jane Doe 2 asked STREETT how old the girl in the photograph was, and STREETT responded, "A little older than you why? How old does she look?" Jane Doe 2 said, "She looks pretty young. I'd guess 18." STREETT replied, "No, 15." STREETT also said of the girl depicted in the photograph, "She said she shaved and took these pics especially for me on my birthday last month." STREETT further elaborated, "I swear only girls under 18 send me pics."
11. On January 20, 2014, STREETT sent a gallery of photographs to Jane Doe 2, depicting nude female and male bodies and genitalia. Some of the photographs in the galleries depict close up photographs of vaginas, close up photographs fingers spreading vaginas, close up photographs of penises, bare breasts, and photographs of young girls who appear to be under the age of 18.

Interstate Nexus

12. According to 18 U.S.C. §§ 2242(b), 1470, and 2251(a) and (e), interstate or foreign commerce must be affected. The Nokia cellular phone was manufactured in China. Your Affiant believes that because the cellular telephone was manufactured outside of the United States, the "use of any means or facility of foreign commerce," as laid out by each statute is satisfied.

Conclusion

13. Based on all of the above information, your Affiant submits there is probable cause to believe that BENTLEY STREETT, violated 18 U.S.C. §§ 2422(b), 1470, and 2251(a) and (e), in that he did attempt to produce child pornography and knowingly transferred obscene material to a minor in a way that affected foreign commerce, and knowingly attempted to persuade, induce, or entice a minor to engage in sexual activity. Your Affiant requests an arrest warrant based upon the criminal complaint in this matter.

14. Assistant United States Attorney Glynette Carson-McNabb has authorized federal prosecution in this matter.

15. I swear that this information is true and correct to the best of my knowledge.



Ross Zuercher, Special Agent - FBI

SUBSCRIBED and SWORN to before
me this 2nd day of October, 2014.



United States Magistrate Judge